

Filed in open court 5/19/05 (EW)

FILED

MAY 19 2005

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, )

Plaintiff, )

v. ) No. 05-44-SLR

KIMBERLY BARNETT, )

Defendant. )

**MOTION FOR DETENTION HEARING**

**NOW COMES** the United States and moves for the pretrial detention of the defendant, pursuant to 18 U.S.C. §3142(e) and (f). In support of the motion, the United States alleges the following:

1. **Eligibility of Case.** This case is eligible for a detention order because case involves

(check all that apply):

  X   Crime of violence (18 U.S.C. § 3156)

       Maximum sentence life imprisonment or death

       10+ year drug offense

       Felony, with two prior convictions in above categories

  X   Serious risk defendant will flee

       Serious risk obstruction of justice

2. **Reason For Detention.** The court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

X   Defendant's appearance as required

  X   Safety of any other person and the community

3. **Rebuttable Presumption.** The United States (will, will not) invoke the rebuttable presumption against defendant under §3142(e). (If yes) The presumption applies because (**check one or both**):

       Probable cause to believe defendant committed 10+ year drug offense or firearms offense, 18 U.S.C. §924(c)

       Previous conviction for "eligible" offense committed while on pretrial bond

4. **Time For Detention Hearing.** The United States requests the court conduct the detention hearing,

       At first appearance

  X   After continuance of   3   days (not more than 3).

5. **Temporary Detention.** The United States requests the temporary detention of the defendant for a period of        days (not more than 10) so that the appropriate officials can be notified since:

1. At the time the offense was committed the defendant was:

       (a) on release pending trial for a felony;

       (b) on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense;

       (c) on probation or parole for an offense.

2. \_\_\_\_ The defendant is not a citizen of the U.S. or lawfully admitted for permanent residence.

3. \_\_\_\_ The defendant may flee or pose a danger to any other person or the community.


6. Other Matters.

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DATED this 19<sup>th</sup> day of May 2005.

COLM F. CONNOLLY  
United States Attorney

BY:   
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Ferris W. Wharton  
Assistant United States Attorney  
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